

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5779

IN THE MATTER OF:

Served January 4, 2000

Application of KEEN TRANSPORTATION)
LTD. for Temporary Authority --)
Irregular Route Operations)

Case No. AP-99-89

By application filed December 27, 1999, Keen Transportation Ltd., a Maryland corporation, seeks temporary authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver. Applicant also has applied for a certificate of authority in Case No. AP-99-88.

Applicant proposes commencing operations with eight vans and two sedans. Applicant's proposed tariff contains hourly rates and per capita rates for service under a contract with LogistiCare Solutions, LLC.

LogistiCare has applied for temporary and permanent authority in order to perform a contract with the Washington Metropolitan Area Transit Authority (WMATA).¹ The contract requires LogistiCare to operate a reservation system for the benefit of disabled individuals participating in WMATA's MetroAccess program and to ensure that program participants receive timely and adequate transportation service. The MetroAccess program is WMATA's means of complying with the Americans with Disabilities Act of 1990,² which in pertinent part prohibits discrimination against the disabled by public transportation providers.

LogistiCare intends to subcontract much, but not all, of the transportation service to Keen and four current WMATC carriers.³ Keen and the other subcontractors will operate vehicles furnished by LogistiCare.

Under Title II of the Compact, Article XI, Section 13(a), the Commission may grant temporary authority if there is an immediate need for service that is not available. Under Regulation No. 54-06(a), a temporary authority applicant must demonstrate fitness.

¹ See In re LogistiCare Solutions, LLC, t/a LogistiCare, No. AP-99-86, Order No. 5775 (Dec. 22, 1999); In re LogistiCare Solutions, LLC, t/a LogistiCare, No. AP-99-87, Order No. 5776 (Dec. 22, 1999).

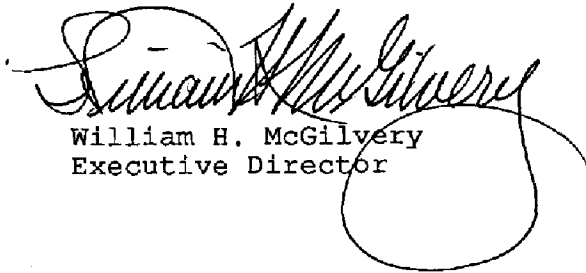
² 42 U.S.C. § 12101, et. seq. (1999).

³ The four WMATC carriers are: Battle's Transportation, Inc., WMATC No. 62; Transportation Management Services, Inc., WMATC No. 170; Graham's Transportation Service, Inc., WMATC No. 307; and Answers, Inc., WMATC No. 488.

This proceeding is hereby initiated to determine whether applicant is fit and whether there is an immediate need for service that is not available.

THEREFORE, IT IS ORDERED that the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is January 19, 2000, and that copies must be served on applicant's president, Gilbert Carey, 3239 Prince Rainier Place, Forestville, MD 20747.

FOR THE COMMISSION:



William H. McGilvery
Executive Director